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SUBJECT: GEORGIA: DETENTIONS RAISE TENSIONS AROUND SOUTH
OSSETIA

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[1](#)B. STATE 121252
[1](#)C. GENEVA 1038

Classified By: Deputy Chief of Mission Kent Logsdon for reasons 1.4 (b)
and (d).

[1](#)1. (C) Summary. A series of detentions over the past month has increased tension between Georgia and the South Ossetian de facto authorities. These recent incidents are not the only such cases, and older outstanding cases, some dating even from before the August 2008 war, have complicated resolution of the new ones, but the spike in frequency is troubling and could lead to a downward spiral of tit-for-tat detentions. Outside parties, including the EUMM and the Council of Europe, have facilitated the release of many of them, but sometimes only after extensive efforts, and some remain in custody on both sides of the line. Hard feelings remain on both sides, and the South Ossetian refusal to participate in the Incident Prevention and Response Mechanism (IPRM), pending progress on five missing persons cases from 2008, has made it difficult to re-establish some measure of trust. Overall, the Georgians have shown more flexibility than the South Ossetians. The Russians' role in negotiations remains murky; on the political level they indicate an interest in helping, but their Border Guards strictly enforce South Ossetia's rules on the administrative boundary -- even, in the case of the Perevi bus driver, outside South Ossetia. End summary.

[1](#)2. (C) Comment. Unless the sides find a way to reduce these incidents, or at least streamline the resolution process, tensions, with their ever-present possibility of escalation, will persist. The EUMM has recognized the significance of these cases and is actively engaged on them, but has met only limited success in mediating resolutions partly because of a lack of access to South Ossetia. Council of Europe Human Rights Commissioner Thomas Hammarberg's involvement in the cases of the four teenagers and the "Gori 5" was no doubt crucial, particularly because of his ability to travel to Tskhinvali to engage the South Ossetian authorities directly, but even he was not able to achieve immediate success. Russian officials have indicated in a variety of fora they try to encourage resolution, but, as the strange twists of the case of the 16 woodcutters suggest, either they do not have as much influence as we think they do, or they are not as interested in resolving the cases as they say they are. A well-functioning IPRM would improve prospects, as it has in Abkhazia, but it is not foolproof either; some detainee and missing persons cases have dogged the IPRM for months. In the case of the four detained teenagers the first two were released only after Hammarberg's intervention at the highest level of the de facto South Ossetian "government." The South Ossetians' willingness to work with him personally helped make these releases possible, which is clearly not a sustainable solution. A more systematic approach to boundary

crossings (a topic that has been raised in Geneva) would help the situation, but it remains unclear whether the sides, in particular the South Ossetians, who questioned the need for such a discussion, are sincerely interested in improving the situation. End comment.

SIXTEEN WOODCUTTERS AND FIVE FARMERS

13. (SBU) On October 25, a group of 16 villagers from Gremiskhevi (located just outside the South Ossetian administrative boundary, east of Mosabruni and the Akhgori Valley) were chopping down trees in the area of Akhali Burguli (southwest of Gremiskhevi, even closer to the boundary). There is some disagreement over the exact location of the activity, but according to the EU Monitoring Mission (EUMM), even Russian and South Ossetian de facto officials agreed that if the villagers crossed the boundary, they did so by a maximum of 100 meters, and more likely by no more than 30-50 meters. Russian Border Guards detained them for crossing the boundary. A villager who was with the group but escaped identified for the EUMM the location of the arrest itself, which according to the EUMM was unambiguously outside of South Ossetia.

14. (SBU) During discussions about the 16 woodcutters, South Ossetian de facto officials revealed they also had in custody five other villagers. Russian Border Guards had detained them on October 24 in Balta (in southwestern South Ossetia, just southwest of Kornisi). The EUMM learned these villages were from Chvrinisi, straight south on the other side of the boundary, and had crossed over to Balta to assist relatives with the harvest; their family members were not expecting

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them back soon, and had therefore not missed their absence.

15. (SBU) Georgian authorities learned of the detention of the 16 the same day it happened and reached out directly to Russian officials via the IPRM hotline. According to Ministry of Internal Affairs Analytical Department Director Shota Utiashvili, the initial Russian response suggested the 16 would be released within a few hours. Instead, the Georgians received word from the Russians the next morning that the 16 had been handed over to South Ossetian de facto authorities. The EUMM reached out to the various sides and received initial consent from the South Ossetians to have a special meeting at the incident site that same day (October 26). The South Ossetians later backed down, explaining they needed more time to prepare. On October 27 the EUMM got the sides to agree to a meeting on the site on October 28.

16. (SBU) All sides -- the Russians, South Ossetian de facto officials, Georgians and EUMM -- attended the October 28 meeting. According to the EUMM's account of the meeting, which they released in a press statement on their website, the participants came to a rough consensus on what happened and what the degree of the consequences should be -- in particular, that "any action taken against these individuals would be of an administrative rather than of a criminal nature and that there was no need for further investigation." The South Ossetians said they would return to Tskhinvali and reach a decision, possibly on a release, by 7:00 P.M.; the Russians requested a media blackout until that time. However, the South Ossetians released a public statement around 6:00 P.M., in which they asserted that all participants had agreed that the woodcutters were well inside the boundary and that the detainees would be dealt with "in accordance with the laws of the Republic of South Ossetia." The statement also implicitly linked the case with that of two individuals detained in Georgia; the South Ossetians claim they are legitimate residents of South Ossetia, while the Georgians claim they only carried Russian passports and could not show any proof of residence in South Ossetia or anywhere else in Georgia. To the EUMM, the statement did not correspond to their understanding of the working-level

meeting, and they therefore decided to release their own statement. The linkage with the two other detainees also suggested to the EUMM that the release of the 16 would now become much harder.

¶17. (SBU) Nevertheless, the five villagers were released on October 29, and the 16 woodcutters on October 30. It remains unclear what prompted the sudden decision to release all 21; the EUMM suspects the Georgians committed to a reciprocal gesture at some point in the future, but does not know for sure.

FOUR TEENAGERS

¶18. (SBU) According to a de facto website, on November 4, South Ossetian de facto authorities (not Russian Border Guards) detained four teenage boys for violation of the "state border" and illegal possession/carrying of weapons and explosive materials. They were allegedly carrying four grenades and explosive materials at the time. The Georgian government stated publicly that the four crossed the boundary to visit the father of one of the boys, who lives in South Ossetia. On November 19 the de facto authorities released a statement explaining that the boys were being held in pre-trial detention for two months. ICRC officials visited them during their detention.

¶19. (SBU) The EUMM got involved early in the case, but was unable to make much progress, and on November 8 released a statement expressing "profound concern" and calling for treatment of the four to be in line with the Convention on the Rights of the Child. The EU itself released a similar statement November 12; the Council of Europe and France also released statements. French diplomats demarched Russia on the issue in Moscow, as did Embassy Moscow (refs A and B). During a November 17 visit to Tbilisi, DRL Assistant Secretary Posner called for their immediate release. The case was raised several times during the November 11 Geneva talks (ref C), without result. De facto officials objected that several cases of concern to them remain unresolved (notably five missing persons cases from 2008), and Russian officials objected that the Georgian government's general "blockade" of Abkhazia and gas "blockade" of Akhalkgori also affected children. In Geneva, de facto officials also raised the possibility that they would end their participation in the IPRM if progress was not made on the five missing persons cases; on November 18, they announced they would not

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participate in the IPRM meeting scheduled for the next day. The case of the four teenagers would likely have been discussed at that meeting.

¶10. (SBU) The week of November 29, Council of Europe Human Rights Commissioner Thomas Hammarberg conducted a series of meetings with Georgian and South Ossetian de facto officials to discuss the four teenagers and detainees in general; he also visited the teenagers and briefed the embassy as well as interested EU missions. On December 3 he brought five South Ossetians, who had been detained in Gori since July but just released by the Georgians, to Tskhinvali; he then secured the release of two of the four teenagers. They were reportedly sentenced to one year in prison, but then paroled by the de factos. The other two have reportedly been sentenced to one year in prison as well, but Hammarberg told the Charge on December 3 that he was confident that they would also be released within ten days. In addition, six Georgian villagers detained by South Ossetian de facto officials in the Akhalkgori region in August would reportedly go on trial shortly, but then possibly be released shortly thereafter.

OTHER CASES -- TWO RUSSIANS AND A GEORGIAN MINIBUS DRIVER

¶11. (SBU) On November 23, Georgian police detained three Russian citizens who crossed from South Ossetia into

undisputed Georgia at Nikozi (just south of Tskhinvali). Shota Utiashvili said they were contractors working on a project in South Ossetia, and that they were intoxicated at the time they crossed the boundary. They were charged with entering Georgia illegally, but according to Utiashvili, Georgia released them into the custody of Russian Border Guards "without preconditions" the morning of November 24. The EUMM commented that this step by the Georgians was positive, because Georgia's position has been to consider violations by Russian citizens without any obvious connection to South Ossetia to be different and more serious than violations by South Ossetian residents, who are legally entitled to be anywhere in Georgia. The EUMM has encouraged the Georgians to take a more tolerant approach on such cases, which they seem to have done in this case.

¶12. (SBU) On November 29, Russian Border Guards detained the driver of a minibus ("marshrutka") who was entering the village of Perevi, west of South Ossetia. (According to the EUMM and OSCE, the Russian checkpoint at Perevi is outside South Ossetia, as is the town itself.) Utiashvili said the driver had been driving a route between Perevi and Sachkhere for months without incident, but newly arrived staff among the Russian Border Guards, presumably unfamiliar with the individual, made the decision to detain him. They then handed him over into South Ossetian custody. He was released December 1.

BASS